IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

OWEN J. ROGAL, D.D.S., P.C.,)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	3:06-cv-00711-MHT
)	
SKILSTAF, INC.,)	
)	
Defendant.)	
)	

NOTICE OF FILING OF DEFENDANT'S REPLY TO PLAINTIFF'S REPLY IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant Skilstaf, Inc. ("Skilstaf") files this notice to inform the Court and opposing counsel that it intends to reply in the following manner to Plaintiff's Reply in Opposition to Defendant's Motion for Summary Judgment ("Plaintiff's Opposition"). Skilstaf explains:

- Skilstaf filed its Motion for Summary Judgment on April 9, 2007.
 (Doc. No. 36).
- 2. On April 9, 2007, the Court entered an order, indicating that Skilstaf's Motion for Summary Judgment had been set for submission without oral argument on April 26, 2007, and that any opposing brief and evidentiary materials were due by that date. (Doc. No. 39).

- 3. Plaintiff filed its Opposition on April 25, 2007. (Doc. No. 41).
- 4. To ensure that it would be given an adequate opportunity to respond to Plaintiff's Opposition, Skilstaf filed an unopposed Motion for an Extension of Time to Reply to Plaintiff's Opposition on April 25, 2007. (Doc. No. 45).
- 5. Because Skilstaf was concerned that its Motion for an Extension of Time to Reply to Plaintiff's Opposition might not be granted before the April 26, 2007, deadline outlined in the Court's order (Doc. No. 39), Skilstaf filed a Motion for Leave to Reply to Plaintiff's Opposition on the afternoon of April 26, 2007. (Doc. No. 51). Skilstaf's proposed reply was attached as Exhibit A to its Motion. (See id.).
- 6. Shortly before Skilstaf filed its Motion for Leave to Reply to Plaintiff's Opposition (Doc. No. 51), Judge Thompson entered an order granting Skilstaf's Motion for an Extension of Time to Reply to Plaintiff's Opposition. (Doc. No. 50).
- 7. Judge Thompson has not entered an order with respect to Skilstaf's Motion for Leave to Reply to Plaintiff's Opposition. (Doc. No. 51).
- 8. In reply to Plaintiff's Opposition, Skilstaf now intends to file the proposed reply brief that was attached as Exhibit A to its Motion for Leave to Reply to Plaintiff's Opposition.

¹ Pursuant to the Uniform Initial Order, Skilstaf's counsel contacted Plaintiff's counsel on April 25, 2007, and Plaintiff's counsel indicated that he had no objection to the requested extension.

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9. Skilstaf has filed this notice pursuant to a conversation Skilstaf's counsel had with Judge Thompson's clerk, wherein said clerk suggested that Skilstaf clarify the record with respect to the filing of its reply to Plaintiff's Opposition.

Respectfully Submitted,

s/Charles A. Stewart III

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s/Amelia T. Driscoll

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Attorneys for Defendant Skilstaf, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

> Robert E. Cole 437 Chestnut Street, Suite 218 Philadelphia, PA 19109

Beth A. Friel Jeanne L. Bakker Mongtomery, McCracken, Walker & Rhoads 123 South Broad Street Philadelphia, PA 19109

and I hereby certify that I have mailed by U. S. Postal Service the document to the following non-CM/ECF participants: None.

/s/ Amelia T. Driscoll